

1 Daniel M. Cislo, Esq., No. 125,378  
2 Kelly W. Cunningham, Esq., No. 186,229  
3 CISLO & THOMAS LLP  
4 1333 2nd Street, Suite 500  
5 Santa Monica, California 90401  
6 Telephone: (310) 451-0647  
7 Telefax: (310) 394-4477  
8 Email: *dancislo@cislo.com*  
9 *kcunningham@cislo.com*

10 Attorneys for Plaintiffs  
11 DONALD MELBINGER  
12 and SPIN WERKES, INC.

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

12 DONALD MELBINGER, an  
13 individual; SPIN WERKES, INC., a  
14 California corporation,

15 Plaintiff,

16 v.

17 WELD RACING LLC, a Delaware  
18 limited liability company; and  
19 DOES 1-10, inclusive,

20 Defendants.

) CASE NO. CV 10-2790 DMG (Ex)

) **NOTICE OF DISMISSAL WITHOUT**  
) **PREJUDICE PURSUANT TO FED. R.**  
) **CIV. P. 41(1)(a)(i)**

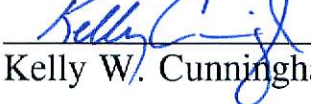
**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

PLEASE TAKE NOTICE that Plaintiffs Donald Melbinger and Spin Werkes, Inc. (collectively, "Spin Werkes"), pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby dismiss the above-captioned case in its entirety without prejudice, pursuant to an agreement between all parties.

Spin Werkes filed the present complaint on April 15, 2010 but never formally served the complaint on the Defendant Weld Racing LLC.

Respectfully submitted,  
CISLO & THOMAS LLP

Dated: August 4, 2010

By:   
Kelly W. Cunningham, Esq.

Attorneys for Plaintiffs  
DONALD MELBINGER and  
SPIN WERKES, INC.

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CISLO & THOMAS LLP

Attorneys at Law

SUITE 500

1333 2ND STREET

SANTA MONICA, CALIFORNIA 90401-4110

TELEPHONE: (310) 451-0647

FACSIMILE: (310) 394-4477

**PROOF OF SERVICE**

I am over the age of eighteen (18) years, employed in the State of California, and not a party to the above-entitled action. My business address is 1333 2nd Street, Suite 500, Santa Monica, California 90401-4110.

On Wednesday, August 04, 2010, I served:

**NOTICE OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO FED.  
R. CIV. P. 41(1)(a)(i)**

addressed as follows to:

Debra J. Fickler, Esq.  
MITCHELL KRISTL & LIEBER, PC  
1220 Washington, Second Floor  
Kansas City, Missouri 64105  
Facsimile: (816) 472-1956

☒ **BY MAIL:** I am readily familiar with the Firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on the same day with a postage thereon fully prepaid at Santa Monica, California, in the ordinary course of business. I am aware that, on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing shown on this proof of service.

☐ **BY FEDERAL EXPRESS/OVERNIGHT DELIVERY:** I caused a copy of such document to be sent via overnight delivery to the office(s) of the addressee(s) shown above.

☒ **BY FACSIMILE:** I caused a copy of such document to be sent via facsimile machine to the office(s) of the addressee(s) at the phone number(s) shown above.

☐ **BY ELECTRONIC PROCESS:** An electronic copy of this document was sent to the above email address(es).

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the person(s) identified above.

I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on Wednesday, August 04, 2010, at Santa Monica, California.

  
\_\_\_\_\_  
Christopher Eckart